
OLR Bill Analysis

HB 5258 (as amended by House "A")*

AN ACT CONCERNING BAKERIES AND FOOD MANUFACTURING ESTABLISHMENTS.

SUMMARY:

This bill expands the Department of Consumer Protection's (DCP) oversight authority to include (1) food warehouses and (2) food manufacturing establishments where food is repacked or cut.

The bill requires anyone operating a food warehouse to obtain a certificate of registration from the DCP commissioner. The commissioner must issue a registration if an applicant (1) completes, to the commissioner's satisfaction, forms he prescribes and (2) pays a \$20 registration fee. A registration is valid for one year, and failure to obtain one subjects an entity to the criminal and civil penalties that currently apply to violators of the bakery and food manufacturing establishment law and applicable regulations.

Under the bill, a food warehouse is a building or part of a building where food is stored for wholesale distribution, but only if it is used primarily to import, store, or distribute packaged food. It excludes (1) places used primarily to operate bakeries or food manufacturing establishments and (2) facilities the law exempts from being licensed as food manufacturing establishments (see BACKGROUND).

The bill also requires the licensing of food manufacturing establishments where food is repacked or cut. By law, the annual license fee for a food manufacturing establishment is \$20.

The bill also requires bakeries, as is already required for food manufacturing establishments, to be designed, constructed, and operated as the commissioner directs under the Uniform Food, Drug, and Cosmetic Act.

The bill also makes technical changes.

*House Amendment "A" replaces the food warehouse licensure requirement in the underlying bill with a registration requirement.

EFFECTIVE DATE: Upon passage

ENFORCEMENT

Warehouses

The bill makes violating the registration requirement punishable by a fine of up to \$250 for a first offense. A subsequent offense is a class D misdemeanor, punishable by a fine of up to \$250, 30 days in prison, or both. The commissioner may also issue warning citations to violators or impose civil penalties of up to \$100 for a first offense and up to \$500 for each subsequent offense (CGS § 21a-159).

Manufacturing Establishments

The bill applies to locations where food is repacked or cut the law's existing penalties for violating the food manufacturing establishment law, regulations adopted under it, or related orders issued by the commissioner. This includes (1) the warning citations and civil and criminal penalties discussed above and (2) injunctions. The DCP commissioner may also revoke or suspend licenses and inspect establishments (CGS §§ 21a-152 and 159).

BACKGROUND

Exemptions from DCP Regulation of Food Manufacturers

The law exempts the following from regulation as a food manufacturing establishment:

1. facilities used solely for the retail sale or storage of prepackaged food;
2. certified farmers' markets;
3. residential farms that produce acidified food products, jams, jellies, or preserves;

4. state shellfisheries;
5. facilities that produce nonalcoholic beverages, milk, or milk products;
6. foods regulated under the laws on pure food and drugs (e.g., kosher foods, vending machines, and frozen desserts); and
7. facilities that grade and market farm products or conduct certain activities under the agriculture department's jurisdiction (CGS § 21a-151).

COMMITTEE ACTION

General Law Committee

Joint Favorable

Yea 16 Nay 1 (03/13/2014)